

## **R E M A R K S**

The office action of 7/11/2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1-19 and 22-26 remain in this case, claims 20-21 being cancelled and claims 22-26 being added by this response.

### **Preliminary Comments**

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

The claims were amended as follows. No new matter was introduced. Specifically:

- a. Claim 2 was amended to correct typographical errors.
  - b. Claims 20 and 21 have been cancelled to facilitate prosecution, but the Applicant reserves the right to pursue the cancelled subjected matter in a continuation application.
  - c. New claims 22 - 26 are fully supported by the original specification.
1. The drawings were objected-to, because FIG. 1 was lacking a prior art label. Replacement drawings have been submitted to correct this. The Applicant respectfully requests that the objection to the drawings be withdrawn.
  2. The specification was objected to for various typographical errors. The specification has been amended to correct the informalities pointed out in section 2 of the office action. The Applicant respectfully requests that the objections to the specification be withdrawn in light of these amendments. No new matter has been added.
  3. Claim 2 was objected-to for various informalities. Claim 2 has been amended per the examiner's suggestion, and the Applicant respectfully requests that this objection be withdrawn.

### **35 U.S.C. §102 Rejections**

5. Claims 1, 4-9, 11-13, 15, and 18-19 were rejected under 35 U.S.C. 102(b) as being anticipated by Ogasawara et al. (U.S. Patent No. 5,367,864, hereinafter referred to as “Ogasawara”). Applicant respectfully disagrees with the rejection.

Independent claim 1 defines a lawn mower. The lawn mower includes a chassis assembly having one or more drive wheels. The lawn mower also includes a ground-following cutter deck assembly attached to said chassis. The lawn mower further includes a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface.

Ogasawara does not teach or suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface. In fact, the only rolling means in Ogasawara which support the chassis for movement over a surface are wheels 1, 2. Since Ogasawara’s chassis supporting wheels are not attached to the cutter deck, Ogasawara does not anticipate independent claim 1 of the present application, and a prima facie case for the 35 U.S.C. 102 rejection based on Ogasawara has not been made.

Therefore, it is respectfully suggested that the rejection of independent claim 1 as being anticipated by Ogasawara is overcome. Dependent claims 4-9, 11-13, 15, and 18-19, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the rejection are respectfully requested.

6. Claims 1 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Gordon. (U.S. Patent No. 5,946,893). Applicant respectfully disagrees with the rejection.

Claim 10 is dependent on independent claim 1. Independent claim 1 defines a lawn mower. The lawn mower includes a chassis assembly having one or more drive wheels. The

lawn mower also includes a ground-following cutter deck assembly attached to said chassis. The lawn mower further includes a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface.

Gordon does not teach or suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface. Furthermore, the Applicant respectfully disagrees with the assertion in the Office Action that Gordon teaches a rolling means (32) attached to the cutter deck 24. Gordon's wheels 32 are described as attached to opposite sides of the subframe 22. This subframe is described further in Gordon's U.S. Application 08/898,801, which Gordon incorporates by reference. From this description, it can be seen that the subframe 22 is pivotally connected to the chassis 20. Thus, Gordon's wheels 32 and 30 support the weight of the chassis 20. Instead of wheel 32 (which was suggested in the Office Action), wheels 33, 54, and 59 appear to be attached to the cutting deck in Gordon. None of these wheels 33, 54, 59, however, are supporting the chassis 20 for movement over a surface as claimed as part of independent claim 1. Gordon's cutting deck assembly is instead hung freely from the chassis 20, and does not provide any support to the chassis. As such, a prima facie case for the 35 U.S.C. 102 rejection based on Gordon has not been made.

Therefore, it is respectfully suggested that the rejection of independent claim 1 as being anticipated by Gordon is overcome. Dependent claim 10, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the rejection are respectfully requested.

7. Claims 1 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Samways et al. (U.S. Patent No. 3,077,065, hereinafter referred to as "Samways"). Applicant respectfully disagrees with the rejection.

Claim 14 is dependent on independent claim 1. Independent claim 1 defines a lawn mower. The lawn mower includes a chassis assembly having one or more drive wheels. The lawn mower also includes a ground-following cutter deck assembly attached to said chassis. The

lawn mower further includes a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface.

Samways does not teach or suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface, as claimed by the applicant as part of independent claim 1. Specifically, the Applicant respectfully disagrees with the assertion in the office action that Samways' rolling means 12 is attached to the cutter deck C. The supporting rods 44 are attached to the cutter deck C, but these supporting rods are not connected to the wheel 12. Instead, "the leading end portions of the supporting rods 44 are adapted to be supported by means of a pair of vertically disposed channel members 51 which are mounted on the front of axle 10. The front face of the channels 51 are provided with elongate vertically disposed rod receiving slots 52, the rods being freely moveable up and down in said slots." (See Samways col. 5, lines 17-23). As such, there is no downward force path from the chassis through the cutter deck assembly and then the wheel 12. No support is provided to the chassis by the cutter deck where it contacts the wheel 12.

Therefore, it is respectfully suggested that the rejection of independent claim 1 as being anticipated by Samways is overcome. Dependent claim 14, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Reconsideration and withdrawal of the rejection are respectfully requested.

8. Claims 2, and 20-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Peter. (U.S. Patent No. 5,355,665). Applicant respectfully disagrees with the rejection.

Independent claim 2 defines a lawn mower. The lawn mower includes a chassis assembly having one or more drive wheels. The lawn mower also includes a ground-following cutter deck assembly attached to said chassis. The lawn mower further includes rolling or sliding means attached to said cutter deck, wherein said rolling or sliding means is selected from the group consisting of: i) wheels; ii) rollers; iii) skids; and iv) any combination of i-iii above. The

chassis and the cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface.

Peter does not teach or suggest a rolling or sliding means attached to a cutter deck, the rolling or sliding means and some drive wheels supporting a chassis for movement over a surface as claimed by the Applicant as part of independent claim 2. The rolling or sliding means 74, 75 in Peter are attached to the cutter deck 70, but these wheels 74, 75 do not support the chassis 20. In fact, the cutter deck 70 floats freely down from the chassis. As such, Peter can not possibly anticipate Independent claim 2 of the present application, and a prima facie case for the 35 U.S.C. 102 rejection based on Peter has not been made.

Therefore, it is respectfully suggested that the rejection of independent claim 2 as being anticipated by Peter is overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

The rejection against claims 20-21 is moot in light of the fact that claims 20-21 have been cancelled to facilitate prosecution of this case. The Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuation application.

### **35 U.S.C. §103 Rejections**

12. Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Peter.

Claim 12 is dependent on independent claim 1, the features of which were discussed above with respect to Ogasawara. The arguments regarding the rejection of claim 1 over Ogasawara are hereby repeated by reference.

Peter does not supplement the shortcomings of Ogasawara. Peter does not teach or suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface. The rolling or sliding means 74, 75 in Peter are attached to the cutter deck 70, but these wheels 74, 75 do not support the chassis 20. In fact, the cutter deck 70 floats freely down from the chassis.

Even if Ogasawara and Peter are combined, the Applicant can find no teaching or suggestion which would suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface, as claimed by the Applicant as part of independent claim 1. Therefore, the Applicant believes a prima facie case for obviousness has not been made.

Based at least on the above reasoning, the Applicant believes independent claim 1 is allowable over Ogasawara and Peter, whether taken individually or in combination. Similarly, claim 12 is believed to be allowable over Ogasawara and Peter, whether taken individually or in combination, based on the allowability of its base claim and for the features set forth therein. Reconsideration and withdrawal of the rejection are respectfully requested.

13. Claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Gordon.

Claims 16 and 17 are indirectly dependent on independent claim 1, the features of which were discussed above with respect to Ogasawara and Gordon. The arguments regarding the rejection of claim 1 over Ogasawara and Gordon are hereby repeated by reference. As stated above, Neither Ogasawara nor Gordon teach or suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface.

Even if Ogasawara and Gordon are combined, the Applicant can find no teaching or suggestion which would suggest a rolling or sliding means attached to said cutter deck, wherein said chassis and said cutter deck are arranged such that said rolling or sliding means and said drive wheels support said chassis for movement over a surface, as claimed by the Applicant as part of independent claim 1. Therefore, the Applicant believes a prima facie case for obviousness has not been made.

Based at least on the above reasoning, the Applicant believes independent claim 1 is allowable over Ogasawara and Gordon, whether taken individually or in combination. Similarly, claims 16-17 are believed to be allowable over Ogasawara and Gordon, whether taken

individually or in combination, based on the allowability of their base claim and for the features set forth therein. Reconsideration and withdrawal of the rejection are respectfully requested.

### Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:  
Joseph S. Ferris

By:   
Christopher B. Miller, PTO Reg. No. 48,398

BROWN & MICHAELS, P.C.  
400 M&T Bank Building - 118 N. Tioga St.  
Ithaca, NY 14850  
(607) 256-2000 • (607) 256-3628 (fax)  
e-mail: [docket@bpmlegal.com](mailto:docket@bpmlegal.com)  
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**Amendments to the Drawings:**

The attached sheet(s) of drawings include changes as listed below. The attached replacement sheet(s) replace the original sheet(s).

The changes are as follows.

Figure 1 has been amended to include a “Prior Art” label. No new matter has been added by this amendment.

Attachment: 5 Replacement Sheet(s)